

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARY MILLER,

Plaintiff(s),

-against-

**REPORT AND
RECOMMENDATION**

CV 09-2499 (JS) (WDW)

EQUIFAX CREDIT INFORMATION
SERVICES, et al.,

Defendant(s).

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WILLIAM D. WALL, United States Magistrate Judge:

By Order dated August 12, 2010, the undersigned detailed plaintiff pro se Mary Miller's significant failures to prosecute her case and to comply with court orders, and gave her a final opportunity to avoid a recommendation of dismissal. *See* Docket Entry [51]. Plaintiff was ordered to appear for a conference on September 16, 2010, was advised that a recommendation of dismissal of her action would issue if she failed to appear, and was warned of the consequences if Judge Seybert accepts the recommendation. Despite these warnings, plaintiff failed to appear for the conference and has failed to contact the court in any manner. Indeed, as set forth in the Order of August 12, 2010, plaintiff has not filed a single document or responded to any court inquiry or directive since she filed her complaint on June 11, 2009. Accordingly, it is recommended that plaintiff's claims be dismissed with prejudice, pursuant to Rule 41(b) and Rule 37 of the Federal Rules of Civil Procedure, for failure to prosecute and for failure to comply with court orders.

OBJECTIONS

A copy of the Report and Recommendation is being sent by the Court to all parties. Any objections to this Report and Recommendation must be filed with the Clerk of the Court within 14 days. *See* 28 U.S.C. §636 (b)(1); Fed. R. Civ. P. 72; Fed. R. Civ. P. 6(a) and 6(d). Failure to file objections within this period waives the right to appeal the District Court's Order. *See Ferrer v. Woliver*, 2008 WL 4951035, at *2 (2d Cir. Nov. 20, 2008); *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
September 17, 2010

/s/ William D. Wall
WILLIAM D. WALL
United States Magistrate Judge